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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 31865-72592	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/US03/07329	International filing date (day/month/year) 11 March 2003 (11.03.2003)	Priority date (day/month/year) 14 March 2002 (14.03.2002)
International Patent Classification (IPC) or national classification and IPC IPC(7): A45F 5/00 and US Cl.: 224/148.6, 674, 250, 269; 24/3.13		
Applicant SCOTT, JEFFREY D.		

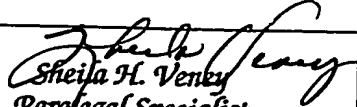
1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 3 sheets, including this cover sheet.

☒ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 4 sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of report with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 08 October 2003 (08.10.2003)	Date of completion of this report 14 June 2004 (14.06.2004)
Name and mailing address of the IPEA/US Mail Stop PCT, Attn: IPEA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (703) 305-3230	Authorized officer Nathan J. Newhouse Telephone No. (703)-308-1148 <div style="text-align: right;">  Sheila H. Venky <i>Paralegal Specialist</i> Tech. Center 3700 </div>

Form PCT/IPEA/409 (cover sheet)(July 1998)

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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US01/0329

I. Basis of the report

1. With regard to the elements of the international application:*

☐ the international application as originally filed.☒ the description:

pages 1-12 as originally filed

pages NONE, filed with the demand

pages NONE, filed with the letter of _____.

☒ the claims:

pages NONE, as originally filed

pages NONE, as amended (together with any statement) under Article 19

pages NONE, filed with the demand

pages 13-16, filed with the letter of 20 January 2004 (20.01.2004)☒ the drawings:

pages 1-11, as originally filed

pages NONE, filed with the demand

pages NONE, filed with the letter of _____.

☐ the sequence listing part of the description:

pages NONE, as originally filed

pages NONE, filed with the demand

pages NONE, filed with the letter of _____.

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).☐ the language of publication of the international application (under Rule 48.3(b)).☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

☐ contained in the international application in printed form.☐ filed together with the international application in computer readable form.☐ furnished subsequently to this Authority in written form.☐ furnished subsequently to this Authority in computer readable form.☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.4. ☒ The amendments have resulted in the cancellation of:☐ the description, pages NONE☒ the claims, Nos. 28-58☐ the drawings, sheets/fig NONE5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. STATEMENT**

Novelty (N)	Claims <u>1-27</u>	YES
	Claims <u>NONE</u>	NO
Inventive Step (IS)	Claims <u>11-21</u>	YES
	Claims <u>1-10, 22-27</u>	NO
Industrial Applicability (IA)	Claims <u>1-27</u>	YES
	Claims <u>NONE</u>	NO

2. CITATIONS AND EXPLANATIONS

Claims 1-8 and 24-27 lack an inventive step under PCT Article 33(3) as being obvious over Martin (US 5,896,623) in view of Gillespie (US 6,056,173). Martin discloses an article carrier comprising a cable (32), a cable retainer (30) to adjust the size of the cable to fit around an object, a clip (44) and a clasp (36) to couple the ends of the cable to form a continuous loop. Martin does not disclose a clasp cover. Gillespie discloses a similar article carrier comprising a cable (14) and a clasp (16) to couple the ends of the cable to form a continuous loop. Gillespie further discloses a clasp cover (18) to fit over the clasp (16) to provide a pleasing appearance or decorative surface. The clasp cover (18) is a shrink tube. The tube has a flat surface as shown in figure 2. The sides are curved and considered to be as spherical as applicant's as applicant's appears to be circular in plane, but not truly "spherical". It would have been obvious to one of ordinary skill in the art to provide the clasp cover of Gillespie around the clasp of Martin to provide a pleasing appearance or decorative surface.

Claims 9-10 and 22-23 lack an inventive step under PCT Article 33(3) as being obvious over Giacona III. (US 6,029,870) in view of Smrt (US 5,664,712). Giacona discloses an article carrier comprising a cable (27), a cable retainer (36) to adjust the size of the cable to fit around a bottle and a clip (32). Giacona does not disclose a spring clip to attach the bottle carrier to a belt, but uses the clip (32) to attach a belt loop (11). Smrt teaches a similar bottle carrier (1) having a spring clip (2) which allows for attachment to a belt or numerous other clothing articles commonly worn. It would have been obvious to one of ordinary skill in the art to provide the spring clip of Smrt in place of the clip (32) and belt loop (11) of Giacona to allow the bottle carrier to be attached to a belt or other clothing articles.

Claims 9-10 and 22-23 lack an inventive step under PCT Article 33(3) as being obvious over Giacona III. (US 6,029,870) in view of Becker (US 6,131,780). Giacona discloses an article carrier comprising a cable (27), a cable retainer (36) to adjust the size of the cable to fit around a bottle and a clip (32). Giacona does not disclose a spring clip to attach the bottle carrier to a belt, but uses the clip (32) to attach a belt loop (11). Becker teaches a similar bottle carrier (10) having a spring clip (33) which allows for attachment to a belt or numerous other articles commonly worn including a backpack. It would have been obvious to one of ordinary skill in the art to provide the spring clip of Becker in place of the clip (32) and belt loop (11) of Giacona to allow the bottle carrier to be attached to a belt or other articles.

Claims 11-21 meet the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest the combination of the article carrier having a cable retainer between the clip and lock (claim 11) or the combination of the article carrier having a lock including first and second sections joined by a flexible thinned region (claim 15).

Claims 1-27 meet the criteria set out in PCT Article 33(4), and thus have industrial applicability because the subject matter claimed can be made or used in industry.

NEW CITATIONS

CLAIMS

1. An article carrier comprising
a flexible cable having a first end, a second end, and an intermediate
5 portion between the ends, the intermediate portion formed into a loop, and
a cable retainer engaging the cable to restrict movement of the cable
relative to the cable retainer, the cable retainer operable to permit a user to adjust the
size of the loop.
2. The article carrier of claim 1 further comprising a clip coupled
10 to the cable to secure the article carrier to an object.
3. The article carrier of claim 1, wherein the first and second ends
are coupled together to form a continuous loop.
4. The article carrier of claim 1 wherein the cable retainer
includes an engagement surface and an engagement edge, one of which is biased
15 toward the other, and the cable passes between and is pinched by the engagement
surface and engagement edge to inhibit movement of the cable relative to the cable
retainer.
5. The article carrier of claim 4 wherein the cable retainer is
operable to move the engagement edge and engagement surface away from each other
20 to permit the cable to be moved relative to the cable retainer and to permit a user to
adjust the length of the loop.
6. An apparatus comprising a clip, a cable, and a cable retainer,
the cable coupled to the clip for removably coupling the apparatus to an object, the
cable having a pair of free ends and an intermediate portion extending therebetween, a
25 length of the intermediate portion threaded through an opening in the cable retainer
and formed into a loop, the cable retainer biased to pinch the cable between an
engagement surface and an engagement edge of the cable retainer to restrict
movement of the cable relative to the cable retainer and maintain the length of cable
forming the loop.
7. The apparatus of claim 6, wherein the loop is adjustable.
8. The apparatus of claim 6 further comprising a bead coupled to
30 the cable to prevent removal of the cable retainer from the cable.

9. The apparatus of claim 6 further comprising a clasp coupled to the ends of the cable to form a continuous loop.

10. The apparatus of claim 9 further comprising a clasp cover to cover at least a portion of the clasp.

5 11. The apparatus of claim 10, wherein the clasp cover includes an exterior surface that is at least partially flat.

12. The apparatus of claim 10, wherein the clasp cover includes an exterior surface that is at least partially spherical.

10 13. The apparatus of claim 10, wherein the clasp cover includes an exterior surface configured to receive a decoration thereon.

14. The apparatus of claim 6, wherein the clip includes a first end and a second end, the first and second ends joined by a link at one side and by a movable closure at the other side, the closure biased to close an opening between the first and second ends, the closure movable to an opened position to permit entry of an
15 object between the ends by passing through the opening.

15. The apparatus of claim 14 wherein the closure is pivotably coupled to one of the ends and moves between a closed position engaging the other end and an opened position spaced from the other end.

16. An apparatus for transporting a fluid vessel having a neck, the
20 apparatus comprising a cable and a cable retainer, the cable having a pair of free ends and an intermediate portion extending therebetween, a length of the intermediate portion formed into a loop, the cable retainer biased to engage the cable to restrict movement of the cable relative to the cable retainer and maintain the length of cable forming the loop.

25 17. The apparatus of claim 16, further comprising a bead coupled to the cable to prevent removal of the cable retainer from the cable.

18. The apparatus of claim 16, further comprising a clasp coupled to the ends of the cable to form a continuous loop.

19. The apparatus of claim 18, further comprising a clasp cover to
30 cover at least a portion of the clasp.

20. The apparatus of claim 19, wherein the clasp cover includes an exterior surface that is at least partially flat.

21. The apparatus of claim 19, wherein the clasp cover includes an exterior surface that is at least partially spherical.

22. The apparatus of claim 16, further comprising a clip including a first end and a second end, the first and second ends joined by a link at one side and
5 by a movable closure at the other side, the closure biased to close an opening between the first and second ends, the closure movable to an opened position to permit entry of an object between the ends by passing through the opening.

23. The apparatus of claim 22 wherein the closure is pivotably coupled to one of the ends and moves between a closed position engaging the other
10 end and an opened position spaced from the other end.

24. The apparatus of claim 16, wherein the cable retainer is movable to a position permitting movement of the cable to adjust the length of cable forming the loop.

25. An article carrier comprising
15 a flexible cable formed into a loop,
a cable retainer engaging the cable to restrict movement of the cable relative to the cable retainer, the cable retainer operable to permit a user to adjust the size of the loop.

26. The article carrier of claim 25, wherein the flexible cable
20 further comprises a first end, a second end, and an intermediate portion therebetween.

27. The article carrier of claim 26, wherein the flexible cable has a length measured from one end to the other end of about fourteen inches (35.5 cm).

28. A method of retaining a fluid vessel having a neck comprising the steps of
25 providing an article carrier comprising a flexible cable formed into a loop, a clip coupled to the cable to couple the fluid vessel to an object, and a cable retainer engaging the cable to adjust the size of the loop,

placing the neck in the loop,
moving the cable retainer to tighten the loop around the neck, and
30 coupling the clip to the object.

29. The method of claim 28, wherein the object is selected from the group consisting of a belt, a belt loop, a strap of a handbag, a ring of a handbag, a

strap of a fanny pack, a ring of a fanny pack, a golf bag, a hammer loop, and a pocket edge.

30. An article carrier comprising
a flexible cable having a first end, a second end, and an intermediate
5 portion between the ends,
a lock coupled to the ends to form a major loop, and
a cable retainer engaging the cable to form a minor loop and restrict
movement of the cable relative to the cable retainer, the cable retainer operable to
permit a user to adjust the size of the minor loop.
- 10 31. The article carrier of claim 30 further comprising a clip coupled
to the cable to secure the article carrier to an object.
32. The article carrier of claim 31, wherein the cable retainer is
between the clip and the lock.
- 15 33. The article carrier of claim 30 wherein the cable retainer
includes an engagement surface and an engagement edge, one of which is biased
toward the other, and the cable passes between and is pinched by the engagement
surface and engagement edge to inhibit movement of the cable relative to the cable
retainer.
- 20 34. The article carrier of claim 33 wherein the cable retainer is
operable to move the engagement edge and engagement surface away from each other
to permit the cable to be moved relative to the cable retainer and to permit a user to
adjust the length of the minor loop.
- 25 35. An apparatus comprising a clip, a cable, and a cable retainer,
the cable coupled to the clip for removably coupling the apparatus to an object, the
cable having a pair of free ends and an intermediate portion extending therebetween, a
length of the intermediate portion threaded through an opening in the cable retainer
and coupled to the clip, a lock coupled to the free ends to form a loop, the cable
retainer biased to pinch the cable between an engagement surface and an engagement
edge of the cable retainer to restrict movement of the cable relative to the cable
30 retainer and maintain the length of cable between the cable retainer and the lock, the
cable, clip, and cable retainer forming a unitary piece.
36. The apparatus of claim 35, wherein the loop is adjustable.

37. The apparatus of claim 35 wherein the lock includes a first section and a second section, the first and second sections joined by a flexible thinned region to permit relative movement of the first and second sections.

38. The apparatus of claim 37 wherein the lock is movable between an unlocked position and a locked position, and the first section is formed to include an aperture and the second section includes a tab extending therefrom, the tab positioned in the aperture when the lock is in the locked position, the tab engaging the first section to inhibit movement of the lock from the locked position.

39. The apparatus of claim 35 further comprising a cover coupled to the cable between the cable retainer and the clip.

40. The apparatus of claim 39, wherein the cover includes an exterior surface that is at least partially flat.

41. The apparatus of claim 39, wherein the cover includes an exterior surface that is at least partially spherical.

42. The apparatus of claim 39, wherein the clasp cover includes an exterior surface configured to receive a decoration thereon.

43. The apparatus of claim 35, wherein the clip includes a first end and a second end, the first and second ends joined by a link at one side and by a movable closure at the other side, the closure biased to close an opening between the first and second ends, the closure movable to an opened position to permit entry of an object between the ends by passing through the opening.

44. The apparatus of claim 43 wherein the closure is pivotably coupled to one of the ends and moves between a closed position engaging the other end and an opened position spaced from the other end.

45. An apparatus for transporting a fluid vessel having a neck, the apparatus comprising a cable and a cable retainer, the cable having a pair of ends and an intermediate portion extending therebetween, the ends joined to form a loop, the cable retainer biased to engage the cable to restrict movement of the cable relative to the cable retainer and maintain the length of cable forming the loop, the cable retainer movable toward the ends to decrease the size of the loop.

REPLACED BY
ART 34 AND 1

46. The apparatus of claim 45, wherein the loop comprises at least a portion of the intermediate portion, the cable ends, and a cable lock coupled to the ends.

47. The apparatus of claim 46, wherein the cable lock prevents
5 passage of the ends through the cable retainer.

48. The apparatus of claim 47, further comprising a cover to cover at least a portion of the cable.

49. The apparatus of claim 48, wherein the cover includes an exterior surface that is at least partially flat.

10 50. The apparatus of claim 48, wherein the clasp cover includes an exterior surface that is at least partially spherical.

51. The apparatus of claim 45, further comprising a clip including a first end and a second end, the first and second ends joined by a link at one side and by a movable closure at the other side, the closure biased to close an opening between
15 the first and second ends, the closure movable to an opened position to permit entry of an object between the ends by passing through the opening.

52. The apparatus of claim 51 wherein the closure is pivotably coupled to one of the ends and moves between a closed position engaging the other end and an opened position spaced from the other end.

20 53. The apparatus of claim 45, wherein the cable retainer is movable to a position permitting movement of the cable to adjust the length of cable between the cable retainer and the lock.

54. An article carrier comprising
a flexible cable formed into a major loop, and
25 a cable retainer engaging the cable to form a minor loop and restrict movement of the cable relative to the cable retainer, the cable retainer operable to permit a user to adjust the size of the minor loop.

55. The article carrier of claim 54, wherein the flexible cable further comprises a first end, a second end, and an intermediate portion therebetween.

30 56. The article carrier of claim 55, wherein the flexible cable has a length measured from one end to the other end of about fourteen inches (35.5 cm).

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ART 34 AMDT

57. A method of retaining a fluid vessel having a neck comprising the steps of

5 providing an article carrier comprising a flexible cable formed into a major loop, a clip coupled to the cable to couple the fluid vessel to an object, and a cable retainer engaging the cable to form a minor loop, the cable retainer being operable to adjust the size of the minor loop,

placing the neck in the minor loop,

moving the cable retainer to tighten the minor loop around the neck,

and

10 coupling the clip to the object.

58. The method of claim 57, wherein the object is selected from the group consisting of a belt, a belt loop, a strap of a handbag, a ring of a handbag, a strap of a fanny pack, a ring of a fanny pack, a golf bag, a hammer loop, and a pocket edge.

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